IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3052 OF 2005

Shri. Sonupant Kalu Nimbekar ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. T.N. Pawar for Petitioner.

Mr. S.G. Page for Respondent No. 3.

Mrs. M.P. Thakur, A.G.P. for Respondent No. 2.

CORAM : F.I. REBELLO &
MRS ROSHAN DALVI.JJ.
DATED : DECEMBER 21, 2005

P.C.

. It is the case of the Petitioners that Respondent No. 2 has given no objection to Respondent No. 3 for setting up of petrol out- let in violation of the recommendations of the Indian Road Congress. The Petitioner himself has a petrol pump. Annexture would indicate that the Indian Roads Congress has only recommended practices. In terms of affidavit filed by Mr. Jagtap, the Additional District Magistrate, structure is not a check barrier but an encroachment done by Nagar Parishad Trimbakeshwar.

. In our opinion, this will not be a fit case for this court to exercise its extra ordinary jurisdiction. It will be open to the Petitioner to take such other steps which he is entitled in law. With the above observations, Petition rejected.

(F.I. REBELLO,J.)

(MRS. ROSHAN DALVI,J.)